

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASTELLAS INSTITUTE FOR
REGENERATIVE MEDICINE,

Plaintiff,

v.

IMSTEM BIOTECHNOLOGY, INC.,
XIAOFANG WANG, and REN-HE XU,

Defendants.

C.A. NO. 1:17-cv-12239 ADB

**ASSENTED-TO MOTION FOR LEAVE TO FILE A SUR-REPLY
MEMORANDUM OF LAW IN OPPOSITION TO ASTELLAS' MOTION FOR
ENTRY OF PROPOSED JUDGMENT AND FOR ADDITIONAL FINDINGS AND
CONCLUSIONS CONCERNING 93A**

Pursuant to Local Rule 7.1(b)(3), Defendants, ImStem Biotechnology, Inc., Dr. Xiofang Wang, and Dr. Ren-He Xu (collectively, "ImStem"), with the assent of the Plaintiff, Astellas Institute for Regenerative Medicine ("Plaintiff"), hereby move for leave to file a sur-reply memorandum of law in further opposition to Plaintiff's Motion for Proposed Judgment and for Additional Findings and Conclusions Concerning 93A. D.I. 261.

ImStem believes that a short sur-reply memorandum (not to exceed five pages) is necessary to adequately address the arguments made in Astellas' reply (including two new exhibits attached to the reply), and that such a sur-reply will assist the Court. ImStem proposes June 22, 2021 as the deadline for filing its proposed sur-reply.

The Court has not yet determined whether a hearing on Astellas' motion is necessary, and thus no hearing has been scheduled. The requested sur-reply will therefore neither delay any proceedings nor prejudice either party.

WHEREFORE, ImStem respectfully requests that this Court grant its motion for leave to file a sur-reply not to exceed five pages.

Dated: June 14, 2021

Respectfully submitted,

IMSTEM BIOTECHNOLOGY, INC.;
DR. XIAOFANG WANG; and
DR. REN-HE XU

By their Attorneys,

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LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), I hereby certify that counsel for all parties conferred by email on June 11 and 14, 2021, and Plaintiff assents to this motion.

/s/ Sanford I. Weisburst

Sanford I. Weisburst

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2021, I caused a true copy of the foregoing document to be served upon all counsel of record via the Court's CM/ECF electronic filing system.

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